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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re Trader Joe's Tuna Litigation

Case No. 2:16-cv-01371-ODW-AJW

**REPLY MEMORANDUM OF LAW
IN FURTHER SUPPORT OF
PLAINTIFFS MAGIER AND
REYES' MOTION FOR
APPOINTMENT OF INTERIM
CLASS COUNSEL**

Date: December 5, 2016

Time: 1:30 p.m.

Ctrm: Courtroom 5D, 5th Floor

Hon. Otis D. Wright II

1 Plaintiffs Sarah Magier and Atzimba Reyes (collectively, “Plaintiffs”) submit
 2 this reply memorandum of law in further support of their motion to appoint Bursor &
 3 Fisher, P.A. as sole interim class counsel.

4 In its Order to Consolidate Cases, the Court set of deadline of November 7,
 5 2016 for “Plaintiffs’ counsel [to] submit their motions for the appointment of interim
 6 class counsel, pursuant to Federal Rule of Civil Procedure 23(g).” *See* Dkt. 18.
 7 Plaintiffs filed their motion on November 7, 2016, with a hearing date set for
 8 December 5, 2016. *See* Dkt. 22. Pursuant to Local Rule 7-9, opposition briefs were
 9 due to be filed no later than November 14, 2016. *See* L.R. 7-9 (“Each opposing
 10 party shall, not later than ten (10) days after service of the motion in the instance of a
 11 new trial motion and not later than twenty-one (21) days before the date designated
 12 for the hearing of the motion in all other instances, serve upon all other parties and
 13 file with the Clerk ... a brief but complete memorandum which shall contain a
 14 statement of all the reasons in opposition thereto and the points and authorities upon
 15 which the opposition party will rely”); *see also* Dkt. 25 (“The briefing schedule
 16 shall follow the Court’s Local Rules.”).

17 However, no opposition briefs were filed. Accordingly, the Court can
 18 consider Plaintiffs’ motion unopposed. *See* L.R. 7-12 (“The failure to file any
 19 required document, or the failure to file it within the deadline, may be deemed
 20 consent to the granting or denial of the motion.”). In the alternative, the Court
 21 should be mindful of the other plaintiffs’ firms’ inability to comply with the Local
 22 Rules of this District.¹

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 26 ¹ In their opposition to the other plaintiffs’ firms’ motion for the appointment of
 27 interim class counsel, Plaintiffs Magier and Reyes note that the other plaintiffs’ firms
 28 also violated Local Rule 6-1 by failing to include a notice of motion and a hearing
 date, and they violated Local Rule 7-3 by failing to include a statement that their
 motion was made “following [a] conference of counsel.” *See* Dkt. 26 at 6.

1 Dated: November 21, 2016

Respectfully submitted,

2 **BURSOR & FISHER, P.A.**

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4 By: /s/ Scott A. Bursor
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